

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL LANE MORRIS,

Plaintiff,

ORDER

v.

09-cv-766-bbc

WISCONSIN DEPARTMENT OF
CORRECTIONS, GINA SIPPY,
REBECCA BRADTKE and
MELISSA ROBERTS,

Defendants.

Plaintiff Michael Morris has filed a proposed complaint under 42 U.S.C. § 1983 alleging violations of his constitutional rights. He requests leave to proceed in forma pauperis. From plaintiff's affidavit of indigency, it appears that plaintiff has no means with which to pay an initial partial payment of the \$350 fee for filing his complaint.

Because plaintiff is a resident at the Rock Valley Community Programs Halfway House, he is subject to the 1996 Prisoner Litigation Reform Act. Witzke v. Femal, 376 F.3d 744 (2004)(halfway house comes within definition of “any jail, prison, or other correctional facility” for purpose of applying PLRA’s exhaustion requirement). Under the Act, plaintiff cannot proceed with this action unless the court grants him permission to proceed after

screening his complaint under 28 U.S.C. § 1915(e)(2). Leave to proceed in forma pauperis will not be granted if the action must be dismissed as malicious or legally “frivolous,” a term that means that the complaint does not allege a claim of any kind. Leave can be denied also if the complaint does not state a claim on which plaintiff could obtain relief under the law or if plaintiff is asking for money from a defendant who is legally protected from having to pay money in his case.

IT IS ORDERED that plaintiff’s complaint is taken under advisement. As soon as the court’s calendar permits, plaintiff’s complaint will be screened under 28 U.S.C. § 1915(e)(2). Plaintiff will be notified promptly when the screening decision has been made.

The Clerk of Court should insure that the court’s financial records reflect that plaintiff Morris owes the \$350 fee for filing this case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 29th day of December, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge